

To: Jackson, Mary[Jackson.Mary@epa.gov]
Cc: Yonce, Stacey[yonce.stacey@epa.gov]; Bellew, Renee[bellew.renee@epa.gov]; Hillary Young[Hillary.Young@deq.ok.gov]
From: Patrick Riley
Sent: Tue 4/10/2018 5:26:29 PM
Subject: [SPAM-Sender] RE: surface impoundment permits

Hi Mary,

There are three existing CCR surface impoundments. No new impoundments are proposed. 252:517-1-7(c) requires existing surface impoundments be permitted by October 19, 2018. To receive a permit, facilities must first determine if they meet location restrictions and separation from groundwater requirements. If they meet the requirements, they must submit an application for review and approval following the Tier II process. I've attached a table summarizing our tier processes. Applicants that follow the Tier II process, must publish notice of application filed in a newspaper local to the site. The notice is also posted to the DEQ webpage. Once deemed administratively and technically complete, the DEQ prepares a draft permit. The applicant then publishes notice of the draft permit in a newspaper local to the site. The notice provides a 30 day comment period and option to request a public meeting. DEQ also posts this notice to our website. DEQ will hold a public meeting if there is sufficient interest and will receive written and oral comments at this meeting. DEQ provides a written response to comments before ultimately issuing or denying a final permit.

If one of the existing impoundments does not meet location restrictions or groundwater separation requirements (see 252:517 Subchapter 5) they must close within six months from the date of that determination (252:517-15-7). If they are unable to accomplish clean-closure, DEQ will require them to obtain a permit for post-closure care.

Facilities unable to accomplish permitting within the specified timeline will be subject to DEQ enforcement action. Enforcement action may include a variety of measures designed to move the noncompliant situation toward resolution. Examples include warning letters, notices of violation, execution of a voluntary consent order (CO), or unilateral Administrative Compliance Order (ACO). COs or ACOs may be used for facilities that are required to close their surface impoundments, but cannot accomplish closure prior to the permitting deadline. The orders may also include provisions to provide public participation.

Let me know if you have additional questions.

Thanks,

Patrick

Patrick Riley

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From: Jackson, Mary [mailto:Jackson.Mary@epa.gov]

Sent: Tuesday, April 10, 2018 7:54 AM

To: Patrick Riley

Cc: Yonce, Stacey; Bellew, Renee

Subject: surface impoundment permits

Hi Patrick,

I would just like to confirm at all surface impoundments will be issued new permits by October, 2018. Is this correct? How many surface impoundments does this include? Could you describe the public participation process for issuing those permits? Thank you very much, Mary

Mary Jackson

Office of Resource Conservation & Recovery

Materials Recovery & Waste Management Division

Environmental Protection Agency

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